

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1855

1 WHEREAS, Krein Real Estate has submitted an application designated as
2 Special Permit No. 1855 for authority to develop 44,400 sq. ft. of retail/commercial space
3 on property located at South 56th Street, 1/4 mile south of Old Cheney Road, and legally
4 described to wit:

5 Lot 43 Irregular Tract, located in the Northeast Quarter of
6 Section 17, Township 9 North, Range 7 East of the Sixth
7 Principal Meridian, Lancaster County, Nebraska; more
8 particularly described by metes and bounds as follows:

9 Commencing at the East Quarter corner of Section 17,
10 Township 9 North, Range 7 East of the Sixth Principal
11 Meridian, Lancaster County, Nebraska; thence north 00
12 degrees 00 minutes 00 seconds west (an assumed bearing) on
13 the east line of the Northeast Quarter of said Section 17, a
14 distance of 285.00 feet; thence south 89 degrees 53 minutes
15 46 seconds west, a distance of 33.00 feet; thence north 00
16 degrees 00 minutes 00 seconds west, a distance of 115.06
17 feet; thence south 90 degrees 00 minutes 00 seconds west, a
18 distance of 17.00 feet; thence north 00 degrees 00 minutes 00
19 seconds west, a distance of 150.00 feet to the point of
20 beginning; thence north 49 degrees 59 minutes 19 seconds
21 west, a distance of 348.16 feet; thence north 00 degrees 04
22 minutes 02 seconds east, a distance of 134.22 feet; thence
23 north 16 degrees 53 minutes 42 seconds east, a distance of
24 142.43 feet; thence north 00 degrees 04 minutes 02 seconds
25 east, a distance of 548.15 feet; thence north 89 degrees 53
26 minutes 46 seconds east, a distance of 241.47 feet; thence
27 south 00 degrees 00 minutes 00 seconds east, a distance of
28 1042.94 feet; thence north 90 degrees 00 minutes 00 seconds
29 west, a distance of 17.00 feet to the point of beginning, and
30 containing a calculated area of 240,119.99 square feet or 5.51
31 acres, more or less;

32 WHEREAS, the real property adjacent to the area included within the site
33 plan for this retail/commercial development will not be adversely affected; and

1 WHEREAS, said site plan together with the terms and conditions hereinafter
2 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal
3 Code to promote the public health, safety, and general welfare.

4 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
5 Lincoln, Nebraska:

6 That the application of Krein Real Estate, Inc., hereinafter referred to as
7 "Permittee", to develop 44,400 sq. ft. of retail/commercial space, on the property legally
8 described above, be and the same is hereby granted under the provisions of Section
9 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation
10 of said retail/commercial development be in strict compliance with said application, the site
11 plan, and the following additional express terms, conditions, and requirements:

12 1. This permit approves:

- 13 a. 44,400 square feet of retail/commercial floor area.
- 14 b. A reduction of the front yard from 50 feet to 30 feet.
- 15 c. A reduction of the pavement width of the private roadway to 21
16 feet.
- 17 d. A waiver of sidewalk requirements to allow sidewalks on only
18 one side of the private roadway.

19 2. Before receiving building permits:

- 20 a. The construction plans must conform to the approved plans.
- 21 b. Final plats within this special permit area must be approved by
22 the City.

23 3. Before occupying this buildings, all development and construction must
24 be completed in conformance with the approved plans.

1 4. All privately owned improvements must be permanently maintained
2 by the Permittee or an appropriately established owners association approved by the City
3 Attorney.

4 5. The site plan, approved by this permit, shall be the basis for all
5 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
6 elements, and similar matters.

7 6. The terms, conditions, and requirements of this resolution shall be
8 binding and obligatory upon the Permittee, its successors, and assigns. The building
9 official shall report violations to the City Council which may revoke the special permit or
10 take such other action as may be necessary to gain compliance.

11 7. The Permittee shall sign and return the City's letter of acceptance to
12 the City Clerk within 30 days following approval of the special permit, provided, however,
13 said 30-day period may be extended up to six months by administrative amendment. The
14 City Clerk shall file a copy of the resolution approving the special permit and the letter of
15 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
16 Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant